



1711
HARVEY

PATENT APPLICATION
Mo5942
MD00-46-PU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
PETER H. MARKUSCH ET AL) GROUP NO.: 1711
)
SERIAL NUMBER: 09/808,812) EXAMINER: M. D. BISSETT
)
FILED: MARCH 15, 2001)
)
TITLE: TWO-PLY POLYURETHANE/GEO-)
TEXTILE COMPOSITE AND)
PROCESS FOR PREPARING THE)
SAME)

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present Reply Brief is submitted to rebut certain arguments raised by the Examiner in the Examiner's Answer mailed August 26, 2003.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an enveloped addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 10/27/03 Date

John E. Mrozinski, Jr., Reg. No. 46,179
Name of applicant, assignee or Registered Representative

Signature
October 27, 2003
Date

Appellants agree with the Examiner's statement regarding the status of the claims being incorrect in the Appeal Brief. Claims 12-27 have been cancelled. Appellants regret any confusion caused by this error.

The Examiner states in her Answer at page 4 that it is her position that,

"...the same material may function as both a dimensionally stable material and as a pliable material. In the broadest interpretation of the claims, multiple layers of the same material having both supportive and flexible characteristics would read on the appellants' claim. Although the specification exemplifies different materials for each layer, the *claims* do not distinguish such a composite from one having multiple layers of material having both stable and flexible character." (Emphasis in original.)

Appellants respectfully disagree with the Examiner's position that the same material may function as both a dimensionally stable material and as a pliable material. As those skilled in the art are well aware, a dimensionally stable material is just that, a material that does not change its dimensions. It does not shrink or stretch in response to varying conditions. Therefore, the instantly claimed dimensionally stable geotextile will not shrink or stretch when penetrated by the polyurethane component of the present invention whereas the instantly claimed pliable (i.e., adjustable to varying conditions) material will. The Board's attention in this regard is directed to the instant specification at page 14, lines 22-29 which at least suggests that the pliable geotextile undergoes some dimensional change, i.e., swelling and/or stretching resulting from the act of absorbing the polyurethane component,

In another embodiment of the present invention, the polyurethane composition is applied to a rigid, dimensionally stable geotextile by spraying using commercially available two-component polyurethane spray equipment. The polyurethane-impregnated rigid, dimensionally stable geotextile is then placed in the ditch or canal. Subsequently the soft, pliable geotextile is placed on top of the polyurethane-impregnated rigid dimensionally stable geotextile and the liquid polyurethane composition is absorbed by the soft, pliable geotextile.

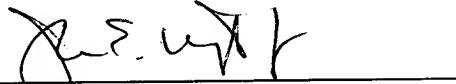
Therefore, Appellants argue that as a simple matter of logic, the same material may not both change its dimensions, i.e., swell and/or stretch, in response to varying conditions (i.e., be pliable) and simultaneously not change its dimensions in

response to those same conditions (i.e., be dimensionally stable). Appellants further aver that the instantly claimed material is distinguishable from the Examiner's mythical material, which does and simultaneously does not undergo dimensional changes in response to the same conditions. The instant claims are directed to two different types of geotextiles, one dimensionally stable and the other pliable.

For these reasons and those discussed at length in their Appeal Brief, Appellants maintain their position that the Examiner's rejections are improper. Appellants respectfully request that these rejections be reversed and that Claims 1-9 be allowed.

Respectfully submitted,

By



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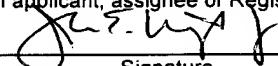
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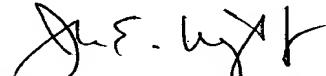
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